

Fort Mill Town Council



Meeting Information

Meeting Type	Town Council
Meeting Date	December 12, 2016

Request Summary

Request Type	X	Action (Old Bus.)		Action (New Bus.)		Info/Discussion
	X	Public Hearing		Executive Session		Other

Case Summary

Case Type		Annexation		Rezoning		Text Amendment
		Subdivision Plat		Appearance Review	X	Other

Property Information

Applicant	Vernon Parrish
Property Owner	Fort Mill Reserve LLC
Property Location	Fort Mill Parkway
Tax Map Number	020-13-01-071, 020-13-01-072, and 020-13-01-073
Acreage	52.35 +/- acres
Current Zoning	MXU Mixed Use
Proposed Zoning	MXU Mixed Use with Concept Plan & Development Conditions
Existing Use	Vacant / Wooded

Title

An ordinance adopting a Mixed Use Concept Plan and Development Conditions for the Fort Mill Reserve MXU Project

Background Information

Site Characteristics

The property is located on Fort Mill Parkway, adjacent to Banks Trail Middle School (west) and located across Fort Mill Parkway from properties owned by Fort Mill School District (FMHS #3 and a future school site). The property abuts Nims Lake and its surrounding residential properties to the east and vacant/wooded property to the north. The property contains approximately 2,600 linear feet of road frontage on Fort Mill Parkway. A

stream is located on the western edge of the property, between the property and Banks Trail Middle School. The properties to the east with frontage on Fort Mill Parkway were recently approved for up to 75 single-family homes and a potential fire station site (Huff Tract).

Neighboring Uses

Direction	Zoning	Existing Use
North	RC-I	Vacant (County)
South	GI/MXU/ R-10	Vacant (FMHS #3 and a future school site)
East	RUD	Single-Family Residence (County)
West	GR/GI	Banks Trail Middle School

Zoning Summary

The property is currently zoned MXU Mixed Use. The property was annexed in 2008 as MXU Mixed Use, however a concept plan and development conditions were not included as a part of the annexation.

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

As the property is located on Fort Mill Parkway, it is also subject to the requirements of the Corridor Overlay District (COD/COD-N).

Concept Plan & Development Conditions

As listed in the attached Development Conditions, the applicant is requesting approval to develop:

- A maximum of 120 detached residential units (density not to exceed 3.0 dwelling units per acre), with a minimum of 20% being Age Targeted;
- Common open space, including landscaping, active and passive recreation, pedestrian, golf cart and bicycle paths;
- A minimum of 25,000 and a maximum of 80,000 square feet of retail, office, or municipal use with specific uses conforming to the permitted uses listed for Neighborhood Mixed Use (NMU) per the Draft UDO VI Mixed Use section, notwithstanding those

prohibited within the Corridor Overlay District (density not to exceed 20,000 square feet per acre); and

- A +/- 1.58-acre parcel to be donated to the Town of Fort Mill for use as a passive park or open space.

The Concept Plan, as attached, shows 111 residential lots ranging from 50' to 90' lots (2.55 dwelling units per acre), 43,500 square feet of retail, 27,000 square feet of office, and a +/- 1.0-acre park.

Comprehensive Plan

The property is located within an area that has been designated as "Medium Density Residential" on the Town of Fort Mill's Future Land Use Map, last updated in May 2016. The comprehensive plan generally defines "medium density" as three to five dwelling units per acre.

The property's easternmost extent nearly reaches the periphery of "Node 8." The Comprehensive Plan recommends the following types of development within Node 8:

"Development in Node 8 will primarily be higher density residential near the center of the node and along the Fort Mill Southern Bypass, with neighborhood commercial near the intersection of Doby's Bridge Road and the Bypass, and medium density residential near the periphery including townhomes and apartments, transitions to single family detached homes to the east and south near the river."



Traffic Impact

Primary access to and from the property will be via Fort Mill Parkway, a two-lane undivided highway with a posted speed limit of 45 MPH. At LOS E, the capacity of Fort Mill Parkway is currently 17,200 trips per day. SCDOT

traffic counts for Fort Mill Parkway (between Brickyard Road and Whites Road) in the year 2015 were 6,700 vehicle trips per day (39.0%).

The applicant has completed a Traffic Impact Study (TIS), a copy of which will be available at the Planning Commission meeting. The TIS notes the following improvements to maintain existing level of service on the Fort Mill Parkway:

- Prior to residential buildout:
 - Construct main driveway off Fort Mill Parkway with one ingress lane and two egress lanes (left, right);
 - Construct an eastbound turn lane on Fort Mill Parkway (200' full width storage and appropriate taper); and,
 - Construct a westbound right turn lane on Fort Mill Parkway (100' full width storage and appropriate taper).
- Prior to commercial buildout:
 - Install a traffic signal at the intersection upon full buildout of the development.

Fire Impact

The property is located approximately 2.7 miles (6 minutes) ordinary driving distance from the town's main fire station on Tom Hall Street. The property is located approximately 1.4 miles (2 minutes) ordinary driving distance from the temporary fire station at 1881 N Dobys Bridge Road.

As part of the Huff Tract development agreement approved by Town Council in October, 2016, a donation of a 1.25-acre site for construction of a permanent fire station on Fort Mill Parkway was included that will provide the potential for a much shorter distance between the proposed Fort Mill Reserve development and a town fire station. The town's draft budget for FY 2016-17 includes \$2 million for construction of a new fire station.

Utility Impact

The subject property will be served by the town's water and sewer system. Earlier this summer, the town awarded a contract for the installation of a new water line on Fort Mill Parkway. The Development Conditions additionally note that any costs to provide water and sewer service infrastructure to, from, and within the property, including upgrades to existing infrastructure as necessary, are to be constructed at the Developer's expense.

School Impact

Based on the proposed development agreement, the applicant would be permitted to construct up to 120 single-family dwelling units on the property. According to the Fort Mill School District's enrollment calculator, the impact of 120 new homes would be as follows:

Type	Enrollment	% of a School
Elementary	37	3.7%
Middle	16	1.6%
High	25	1.0%
TOTAL	78	

The addition of up to 80,000 square feet of commercial development will provide an additional non-residential tax base to help offset the capital and operating cost of 78 additional students.

Discussion

As mentioned above, the town's Comprehensive Plan recommends "medium density residential" (3-5 dwelling units per acre) as the preferred land use in this location. The project's proposed residential density is a maximum of 3 dwelling units per acre, with the proposed Concept Plan showing 2.55 dwelling units per acre. We believe this density to be substantially consistent with the Comprehensive Plan.

The inclusion of neighborhood-scale retail/office along the Fort Mill Parkway, while not strictly consistent with the future land use map, will provide economic opportunities on the corridor. Given the proximity to three school sites, neighborhood scale retail/office uses within walking/biking distance will assist in reducing the traffic impact along the corridor, and will enhance the public space as envisioned with the Corridor Overlay District. In addition, the neighboring "Huff Tract," which lies within the node, was recently rezoned from PND to R-15 Residential, which will reduce the amount of available commercial land within the node. Because this property is immediately adjacent to the node boundary, staff supports the request to incorporate a commercial component within the project.

In reviewing the proposed development conditions, staff and the Planning Commission have recommended the following modifications:

- Include a minimum commercial square footage requirement of at least 25,000 square feet.
- Include a road stub out in the concept plan to the northern property boundary, which is currently undeveloped, to allow for future internal connectivity.
- Include language regarding the timing of the park site donation.
- Amend the streetscape/buffer requirements along the corridor ROW to a minimum of 20' where adjacent to retail, office and municipal, and 50' where adjacent to residential. (26-B)

- Sidewalks should be installed as required in COD/COD-N and per the zoning ordinance (8' wide sidewalks along the length of the property on the Parkway frontage and within the first 500' of the bypass ROW. In areas outside the COD/COD-N, at least 5' wide sidewalks on at least 1 side of each street.)
- Correct typo on minimum lot size (60,400)
- Language containing references to the zoning ordinance should include reference to the requirements of COD/COD-N, where applicable.
- Correct the allowable buffer reduction from 25% to 33% where a suitable wall, fence or berm is provided, as required in the MXU ordinance.

The applicant has amended the original application to incorporate these modifications.

Alternatives	
1.	Approve the ordinance adopting the MXU Concept Plan & Development Conditions, as submitted.
2.	Approve the ordinance adopting the MXU Concept Plan & Development Conditions, with modifications.
3.	Do not approve the ordinance adopting the MXU Concept Plan & Development Conditions.

Staff Recommendation	
Recommendation	Staff recommends in favor of APPROVAL of the MXU Concept Plan & Development Conditions, with the incorporation of the modifications recommended by the Planning Commission.
Name & Title	Chris Pettit, Assistant Planner & Joe Cronin, Planning Director
Department	Planning Department
Date of Request	November 10, 2016

Legislative History	
Planning Commission	11/08/2016: Planning Commission recommended in favor of APPROVAL, with the modifications referenced above.
First Reading	11/14/2016: Council gave first reading APPROVAL to the ordinance. (5-1)
Public Hearing	12/12/2016: Scheduled
Second Reading	12/12/2016: Scheduled
Effective Date	Upon Adoption

Attachments

- Rezoning Application
- Aerial Map
- Zoning Map
- Draft Ordinance Adopting MXU Concept Plan & Development Conditions

TOWN OF FORT MILL
APPLICATION FOR ZONING MAP AMENDMENT

APPLICANT(S):

NAME	ADDRESS	PHONE NUMBER
VERNON PARRISH	C/O CAROLEEN TRADING CO. 4940 BROAD HOLLOW DRIVE CHARLOTTE, NC 28226	(704) 365-0166

Area of Subject Property: 52.35 acres and/or _____ square feet

What is the CURRENT zoning for the parcel(s)? MXU

What is the proposed zoning for the parcel(s)? MXU

Does the applicant own all of the property within the zoning proposal? YES

State the proposed change and reason(s) for request: (Attach additional sheets if needed)

As Owner(s) of the property described below, I/we request that our property be rezoned as indicated.

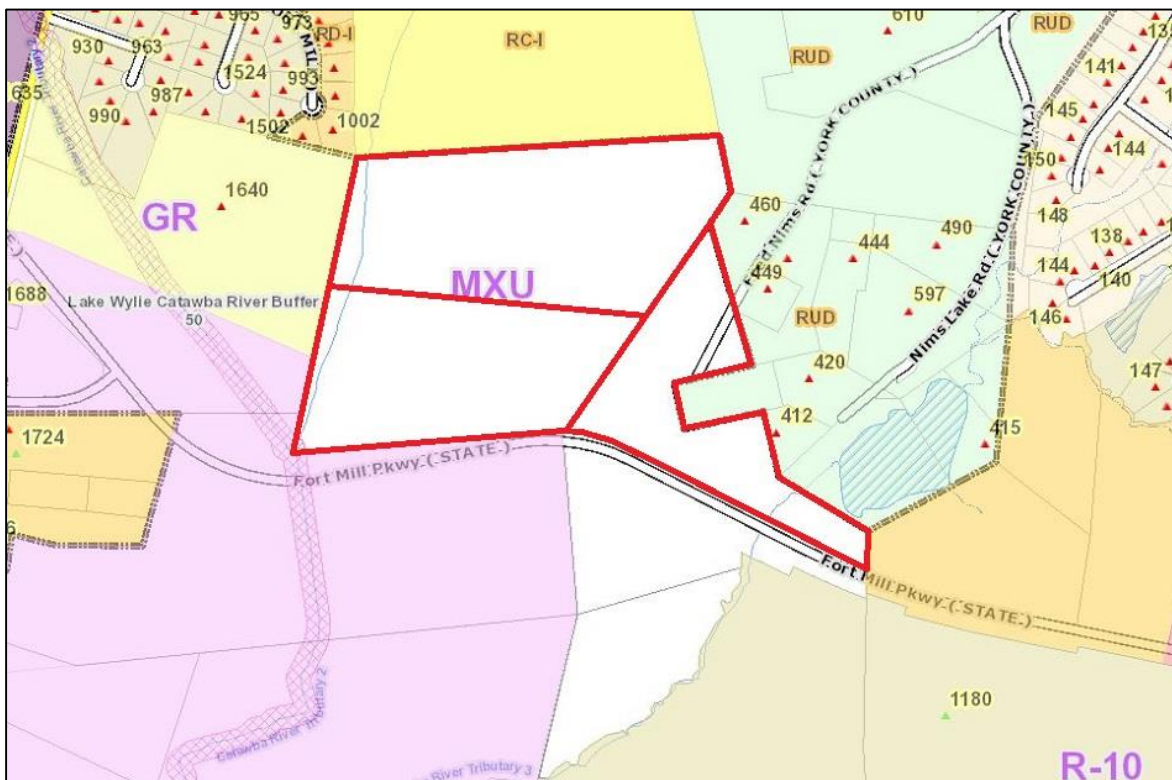
TAX MAP NUMBER	PROPERTY ADDRESS	OWNER	OWNER'S SIGNATURE
0201301073	TRACT #2&4 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish
0201301072	TRACT #3 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish
0201301071	TRACT #2 OFF FRED NIMS ROAD	FORT MILL RESERVE, LLC	Vernon R. Parrish

Please return application and fee to: Town of Fort Mill, PO Box 159, Fort Mill, SC 29716

Aerial Map



Zoning Map



STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2016-__

AN ORDINANCE ADOPTING A MIXED USE CONCEPT PLAN & DEVELOPMENT CONDITIONS FOR THE
FORT MILL RESERVE MXU PROJECT

WHEREAS, the parcels currently or formerly known York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, containing approximately 52.35 +/- acres located on Fort Mill Parkway, were annexed to and made a part of the Town of Fort Mill by ordinance adopted on December 8, 2008; and

WHEREAS, by ordinance of the Fort Mill Town Council, the above referenced parcels were zoned as follows: MXU Mixed Use; and

WHEREAS, Article II, Section 19(5)(D)(1)(a), of the Zoning Ordinance for the Town of Fort Mill, requires as part of the approval process that a Mixed Use Development Project shall contain a concept plan and, if applicable, development conditions; and

WHEREAS, the applicant has submitted Development Conditions as shown within the attached "Exhibit A," and a Concept Plan as shown within the attached "Exhibit B," both of which have been reviewed by the Fort Mill Planning Commission and the Fort Mill Town Council and found to be consistent with the Town's Comprehensive Plan;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. Pursuant to Article II, Section 19(5)(D)(3), of the Zoning Ordinance for the Town of Fort Mill, the Development Conditions for the Fort Mill Reserve MXU project are hereby adopted as shown within the attached "Exhibit A." Where any conflicts exist between the Development Conditions and the Subdivision Ordinance or Zoning Ordinance for the Town of Fort Mill, the provisions specified within the Development Conditions shall apply. A copy of these development conditions shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section II. Pursuant to Article II, Section 19(5)(D)(4), of the Zoning Ordinance for the Town of Fort Mill, the Concept Plan for the Fort Mill Reserve MXU project is hereby adopted as shown within the attached "Exhibit B." A copy of this Concept Plan shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section III. The provisions of this ordinance shall apply to the parcels currently or formerly known as York County Tax Map Numbers 020-13-01-071, 020-13-01-072, and 020-13-01-073, containing approximately 52.35 +/- acres located on Fort Mill Parkway.

Section IV. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2016.

First Reading: November 14, 2016
Public Hearing: December 12, 2016
Second Reading: December 12, 2016

TOWN OF FORT MILL

Gwynn H. Savage, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Virginia Burgess, Town Clerk

Exhibit A

**DEVELOPMENT STANDARDS & CONDITIONS
Fort Mill Reserve MXU Project**

DEVELOPMENT STANDARDS & CONDITIONS
CRLDC, LLC, Fort Mill Reserve MXU Project

Project Development Standards

1. Purpose of district

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

2. Platting Requirements

Platting requirements will be in accordance with Article II-PLAT REQUIREMENTS, of Chapter 32-SUBDIVISIONS, of the Fort Mill Code of Ordinances. Where possible, plats will comply with Article II, Section 19.3(C) of the Zoning Ordinance.

3. Bonding Requirements

Bonding requirements will be in accordance with Section 32.104-SURETY BOND, Article IV-REQUIRED IMPROVEMENTS, of Chapter 32, of the Fort Mill Code of Ordinances.

Fort Mill Reserve MXU Conditional Notes

1. General Provisions

Each proposal for the development under MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures and regulations in other sections of the zoning ordinance.

The development depicted on the Mixed Use Development Concept Plan is intended to reflect the arrangement of proposed uses on the site, but the final configuration, placement and the size of individual site elements may be altered or modified within the limits of the Ordinance and the standards established on the Development Standards Sheet during design development and construction phases. Street alignment and lot layout width and depth dimensions may be modified to accommodate final building layout and lot locations. The Petitioner reserves the right to modify the total number of lots identified within individual parcels or phases, reallocate units from a parcel or phase to another, or reconfigure lots and street layouts, provided the total number of lots for the entire residential development does not exceed the maximum total number permitted.

These standards, as established by the Technical Sheet, as set out below and as depicted on the Mixed Use Development Concept Plan shall be followed in connection with development taking place on the site. Standards established by the Fort Mill Reserve Development Standards Sheet and the Fort Mill Reserve Mixed Use Development Concept Plan shall supersede the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval.

2. Permitted Uses

A) Residential

- i) Subject to the requirements set out below, a maximum of 120 single-family residential detached units may be constructed on the site.
- ii) A maximum of 120 units of for sale detached units, with a minimum of 20% of these units being Age Targeted home designs, shall be allowed in the development having minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of the Fort Mill Reserve MXU Development.
- iii) Common Open Space: May include landscaping, active and passive Recreation, pedestrian, golf cart paths and bicycle paths.

B) Retail, Office or Municipal Use

- i) Subject to the requirements set out below, a minimum of 25,000 square feet and a maximum of 80,000 square feet of retail, office and/or Municipal Use may be constructed on the site. Any retail, office and/or municipal use which is permitted within the Neighborhood Mixed Use District contained within Article VI of the Draft Unified Development Ordinance (UDO) shall be permitted within the project; provided, however, any use which is prohibited within the Corridor Overlay District (COD/COD-N) shall not be permitted, in accordance with Article II, Section 24.3(B) of the Zoning Ordinance.
- ii) A +/-1.00-acre parcel at the Eastern edge of the project will be donated to the Town of Fort Mill for their use as a passive park or open space. This donation shall take place prior to issuance of the first certificate of occupancy for the Commercial/Retail Parcels, or prior to the tenth anniversary of the approval of the Ordinance by the Town of Fort Mill, which ever shall occur first.
- iii) A 20' streetscape buffer will be maintained along the along Fort Mill Parkway right-of-way.

3. Density

The maximum Gross Residential Unit density will not exceed 3.0 units per acre, and 120 total units for the entire project. Individual phases may have higher or lower densities, but the overall project may not exceed 3.0 units per acre. Open space areas shall be included in the calculations for gross residential density.

The maximum Retail/Office density will not exceed more than 20,000 square feet per acre, and 80,000 total square feet for the entire project.

4. Streets

Minimum dimensions and design standards for each street type shall follow a consistent standard. The standards for each street shall follow one of the following:

- a) Public Residential Street: In accordance with the Town standards outlined in the Fort Mill Subdivision Ordinance and Zoning Ordinance.
- b) All Residential Streets: Shall be designed to provide a stop condition no more than 1,000 feet apart. This will be accomplished by "T" intersections where practical. Where this is not practical due to site constraints, posted stop signs at intersection(s) within the 1,000-foot street length will be installed.
- c) Where feasible, residential development will provide landscaped islands. Landscaped islands within any public right-of-way shall be subject to approval of the Town of Fort Mill Fire Department.
- d) Sidewalks: Will be installed on at least one side of all public streets within areas shown on the Concept Plan to contain single-family residential development, pursuant to, and as required by, Article II, Section 19(4)(E) – MXU Mixed Use (Sidewalks). At the Developer's option, additional sidewalks may be installed. Where possible, the Developer shall install sidewalk and/or trail connections from the development to the neighboring school property. Portions of the property lying along the Fort Mill Parkway frontage, and transitional areas between commercial and residential portions internal to the property, shall be subject to the sidewalk requirements set forth in Article II, Section 24(10) – COD/COD-N Corridor Overlay District (Pedestrian Pathways). Eight-foot-wide sidewalks extending into site from the Fort Mill Parkway right-of-way (along both sides of main entry road) shall wrap around the perimeter of the proposed roundabout, but will not extend into residential area.
- e) Block Lengths: Block lengths shall be a maximum of 1,000 feet.

5. Vehicular Access and Road Improvements

- a) Vehicular access: Access shall be provided to Fort Mill Southern Parkway in the general location as shown on the Concept Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordination with final subdivision and site plan design.

- b) Coordination: The developer shall coordinate with Town staff and provide a stub road to the northern property boundary, in the general location shown on the Concept Plan. The required MXU perimeter buffer shall not apply in the location of the stub road.

6. Landscaping

Landscaping will be provided in accordance with Article II, Section 19.4(J), and applicable sections of Article II, Section 24 (COD/COD-N), of the Zoning Ordinance.

7. Open Space

Common open space will be provided, and will be platted and recorded separately from other uses. Open space (excluding the donated park parcel) will be owned and maintained by a Homeowner's Association or Property Owners Association. A minimum of 20% of the total development area shall be open space. Wet ponds may be counted towards the Open Space requirement if the ponds are amenitized with walking trails and benches.

8. Parking and Loading

Parking, loading, and other requirements for each permitted use and platted lot will be in accordance with the requirements of Article I, Section 7, Subsection I, and applicable sections of Article II, Section 24 (COD/COD-N) of the Fort Mill Zoning Ordinance.

9. Access to Lots

Access (curb cuts) to each platted lot must comply with standards set forth in the Fort Mill Zoning and Subdivision Ordinances.

10. Signage

A proposed project signage package shall be provided for approval by the town. All signs shall meet the requirements of Article II, Section 19.4(1), Subsections 1 and 2, and applicable sections of Article II, Section 24 (COD/COD-N), of the Fort Mill Zoning Ordinance. Approval to not be unreasonably withheld.

11. Building Heights

Proposed building heights will not exceed 60 feet. Building height shall be measured in accordance with Article II, Section 19.4(D) of the Zoning Ordinance. The minimum building height for retail and office uses shall comply with the minimum building height requirements contained within Article II, Section 24 (COD/COD-N) of the Fort Mill Zoning Ordinance.

12. Improvements

The developer will be responsible for installation of required streets, utilities, common areas, amenity improvements, open space, storm drainage, and buffer yards, which pertain specifically to the project.

13. Changes

- a) Petitioner/Developer understands that upon approval of the Mixed Use Development by the Town Council, any changes that are proposed which are considered to be of a minor nature, such as adjustments or relocation of streets, lots, and open space; or adjustments to interior parcel boundaries, parcel sizes, or lot sizes and quantities, may be approved by the Fort Mill staff through an administrative review process. Other minor changes may be made to the list of permitted uses, unit mixture, reallocation of unit types, relocation of uses, buffer yards, landscaping and open space standards throughout the project. Minor changes shall be subject to review and approval through an administrative process by the Fort Mill staff.
- b) Significant changes to the Mixed Use Development Concept Plan, which include changes increasing overall project dwelling unit count, land use summary, location of primary access points to the property and adding acreage are all considered to be major site plan changes, and are subject to approval by the Town Council in accordance with Article II, Section 19(5)(F) of the Fort Mill Zoning Ordinance.

14. Construction Schedule and Phasing

This development will be constructed in phases. Proposed phasing will be determined and approved during the Preliminary Plat process.

15. Development Standards

- a) Maximum Residential Density: 3.0 dwelling units per acre, not to exceed 120 total units for the entire project
- b) Maximum Retail/Office Density: 20,000 square feet per acre, and 80,000 square feet for the entire project
- c) Impervious Surface Ratio: 85% for all uses
- d) Residential Development
 - i. Minimum front building setbacks (from street r/w): 20 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet
 - iv. Minimum rear yard: 20 feet
 - v. Minimum street frontage: 50 feet
 - vi. Minimum lot size: 6,040
- e) Office/Retail Development

- i. Minimum front building setbacks (from street r/w): 30 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet
 - iv. Minimum rear yard: 20 feet
 - v. Minimum street frontage: 80 feet
 - vi. Minimum lot size: 20,000
- f) Buffer Yards: Perimeter Buffer yards between the Fort Mill Reserve Mixed Use Development and adjacent properties will be in accordance with Article II, Section 19.4(K) of the Zoning Ordinance. The buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual, privately owned lot. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required in conformance with the buffer standards of Article II, Section 19.4(K) of the Zoning Ordinance. Natural buffers shall be supplemented with additional landscaped material, where necessary, to provide an adequate screening effect. The required MXU perimeter buffer shall not apply in the location of the stub road along the northern property boundary.
- g) Petitioner reserves the right to construct a minimum 6-foot high opaque fence, wall, berm, or combination thereof, in order to satisfy buffer and/or screening requirements. In the event that the petitioner or their assignee decides to install a fence, wall, or berm, they may reduce buffer area dimensions by 33%. If a fence is used to reduce the buffer requirement, then the fence shall be landscaped to enhance its aesthetic appeal. Buffer Yards will be designed in a manner to allow openings of an appropriate width in order to allow pedestrian connectivity. Utilities and rights-of-way are allowed to be located in buffer areas and landscaped corridors where needed, provided the screening effect of the buffer area and landscape corridor is not diminished.

16. Lot Transfer and Recording

Lots may be transferred or recorded by means of posting appropriate surety bonds as referenced in Sec. 32.104 of the Fort Mill Code of Ordinances.

17. Water and Sewer

The Developer understands that water and sewer will be provided by the Town of Fort Mill for all lots within the Mixed Use Development. The Developer shall construct or cause to be constructed, at Developer's cost, all necessary water and sewer service infrastructure to, from, and within the Property. The developer will comply with all SCDHEC and the Town of Fort Mill water and sewer specifications. The Property shall be subject to all current and future water connection/capacity fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly-situated property within the Town limits. A water and sewer "willingness and capability letter" must be received from the Town of Fort Mill Engineering Department prior to obtaining a grading permit for any portion of the development utilizing the Town of Fort Mill water and sewer. Treatment capacity at the Town's municipal wastewater

treatment plant will not be reserved until a sewer system construction permit has been issued for the Project by the South Carolina Department of Health and Environmental Control (SCDHEC). Notwithstanding the provisions referenced above, nothing in these Development Conditions shall preclude the Town and Developer from entering into a separate Utility Agreement for cost-sharing of sewer transmission systems when such agreement may be of mutual benefit to both parties. In the event that a utility agreement is reached with the petitioner and the Town of Fort Mill, that agreement shall be implemented into the project design based on the requirements and specifications outlined in the agreement.

18. Applicable Ordinances

Development of the property will be subject to the standards and requirements of the Fort Mill Code of Ordinances and Zoning Ordinance in effect at the date of approval by the Town of Fort Mill, unless such standards and requirements are expressly superseded by the provisions of the Fort Mill Reserve Mixed Use Development Concept Plan and Technical Data Sheet, as approved by the Town of Fort Mill.

19. Ten Year Vested Right

Due to the size of the proposed development and the level of Owner's investment, the Owner requests and has been granted a ten (10) year vested right for construction of this project. The ten year vesting period shall commence upon final approval of these development conditions.

20. Binding Effect of the Development Conditions Document

All conditions applicable to development of the site imposed under the Concept Plan and Development Standards Sheet shall, unless amended in the manner provided under the Zoning Ordinance, be binding upon and inure to the benefit of the Owner and subsequent owners of the site and their respective successors in interest and assigns.

21. Restrictive Covenants Restrictive

Covenants will be created and recorded with the Office of the Clerk of Court of York County prior to the approval of a plat or issuance of a building permit for a vertical building on the property. Covenants shall be in accordance with Article II, Section 19.3(D) of the Fort Mill Zoning Ordinance.

22. Municipal Tax District (MID) Option

The owner reserves the right to have the ability to pursue a Municipal Tax District (MID) for the Fort Mill Reserve MXU project, with the cooperation of the Town of Fort Mill; for the use of on and off site infrastructure improvements. MID District shall be in accordance with state and local government requirements.

23. Town Impact Fees

The Property shall be subject to all current and future development impact fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly-situated property within the Town limits. For the purpose of this Agreement, the term “development impact fees” shall include, but not be limited to, the meaning ascribed to such term in the South Carolina Development Impact Fee Act, Sections 6-1-910, et seq, of the SC Code of Laws.

24. School Impact Fees

All residential units within the Property shall be subject to all current and future school impact fees imposed by the Fort Mill School District.

25. Stream Buffers

All streams and waterways on the Fort Mill Reserve MXU Project drain are tributaries of the Catawba River. Stream buffers shall be provided on each side of all streams and waterways as directed by the South Carolina Department of Health and Environmental Control (SC DHEC).

26. Corridor Overlay District (COD/COD-N)

- (a) Portions of the Fort Mill Reserve MXU project are located within the Corridor Overlay District. As such, development on the site shall be subject to the requirements of Article II, Section 24 (COD/COD-N Corridor Overlay District Standards). In the event that the requirements of the overlay district are stricter than those in the underlying zoning district or the proposed development conditions established within these Development Conditions, then the provisions of the overlay district shall apply. The provisions of the “COD-N” overlay shall apply to all portions of the property which fall within the Corridor Overlay District, including areas which may be located outside a “Node,” as defined in the Town’s Comprehensive Plan.
- (b) The developer shall provide a 20-foot landscape/streetscape buffer along the Fort Mill Parkway right-of-way where retail and office uses are proposed within the development. The owner shall maintain and/or provide a 50 foot landscaped buffer in accordance with requirements of the Corridor Overlay District where residential uses are proposed adjacent to the right of way.

27. Architectural Requirements & Building Materials

The exterior of any residential or commercial building constructed within the development shall contain the following architectural materials: brick, stone, fiber cement siding, stucco, and similar high quality materials. No metal, concrete block, aluminum siding or vinyl siding shall be permitted as a primary building material. All commercial and multi-family buildings shall be subject to appearance review before the Planning Commission, as required by the Corridor Overlay District

Exhibit B

**CONCEPT PLAN
Fort Mill Reserve MXU Project**



Fort Mill Reserve

Fort Mill, SC
Concept Plan 11.09.2016 | LD#1016323

LandDesign

